

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PHILLIP E. SMITH,

Plaintiff,

vs.

CITY OF GRAND ISLAND, a political subdivision of the State of Nebraska; DEAN ELLIOTT, individually as patrol captain and supervisor of the Grand Island police department; JUSTIN ROEHRICH, individually as an employee of the city of Grand Island and an officer with the Grand Island police department; BRADLEY BROOKS, individually as an employee of the city of Grand Island and sergeant with the Grand Island police department; and JOSE RODRIGUEZ, individually as an employee of the city of Grand Island and an officer with the Grand Island police department;

Defendants.

8:19CV473

ORDER

This matter is before the court on Plaintiff's motion for an extension of the deadline to file his brief in opposition to Defendants' summary judgment motion. (Filing 76.) Plaintiff states that he has been in quarantine and lockdown since being moved to his present facility on December 27, 2021, he still lacks access to his legal materials, and he has yet to receive the summary judgment materials from Defendants.¹ Upon consideration of Plaintiff's motion and the attached supporting

¹ Defendants filed a Supplemental Certificate of Service on February 14, 2022, certifying that copies of Defendants' Motion for Summary Judgment, Brief in Support, Index of Evidence, and Responses to Plaintiff's Second Set of Requests for Production of Documents were re-served upon Plaintiff. (Filing 75.) Thus, the court assumes Plaintiff is

documents, the court will grant Plaintiff's motion and he shall have an additional 30 days to file his brief in opposition.

In light of the extension of Plaintiff's brief due date and the pending dispositive Motion for Summary Judgment (filing 68) which raises the issue of qualified immunity from suit, the court shall suspend the deadlines related to the Final Pretrial Conference Order (filing 60).

IT IS THEREFORE ORDERED that:

1. Plaintiff's motion for extension (filing 76) is granted. Plaintiff shall have until **March 30, 2022**, to file his brief in opposition to Defendants' summary judgment motion.

2. The Clerk of Court is directed to set a pro se case management deadline using the following text: **March 30, 2022**: Plaintiff's brief in opposition due.

3. The deadlines related to the Final Pretrial Conference Order (filing 60) are suspended until further order of the court.

4. The Final Pretrial Conference scheduled for April 20, 2022, is continued until further order of the court.

5. The Clerk of Court shall transmit a copy of this Order to Magistrate Judge Zwart's chambers.

in possession of Defendants' summary judgment motion and supporting materials now or very soon will be.

Dated this 22nd day of February, 2022.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive style with a large, stylized "R" and "K".

Richard G. Kopf
Senior United States District Judge